

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 4/29/03.

I. DISPUTE

Whether there should be reimbursement for individual medical psychotherapy - 90844 and preparation of report - 90889 denied as not medically necessary based upon peer review from 8/29/02 through 11/14/02.

II. RATIONALE

The requestor submitted a copy of the preauthorization letter from the carrier dated 8/22/02 giving preauthorization for 8 visits for psychotherapy beginning 8/26/02. All disputed services were preauthorized prior to delivery.

Rule 134.600 (b)(1) states, "The insurance carrier is liable for all reasonable and necessary medical costs relating to the health care required to treat a compensable injury... when...

- (B) preauthorization of any health care listed in subsection (h) of this section was approved prior to providing the health care;"

Rule 134.600 (h) states, health care requiring preauthorization includes...

all psychological testing and psychotherapy, repeat interviews, and biofeedback; except when any service is part of a preauthorized or exempt rehabilitation program;"

Once preauthorization is obtained the carrier cannot retrospectively review and deny services based upon medical necessity. On this basis, reimbursement is recommended.

III. DECISION & ORDER

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is** entitled to reimbursement for 90844 and 90889 in the amount of **\$510.00**. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby ORDERS the Respondent to remit **\$510.00** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 12th day of January 2004.

Noel L. Beavers
Medical Dispute Resolution Officer
Medical Review Division

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